

PATENT COOPERATION TREATY

31

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

SCHNURMANN, Daniel, H.
International Business Machines
Corporation
Hudson Valley Research Park
2070 Route 52
Hopewell Junction, NY 12533-6531
United States of America

Date of mailing (day/month/year) 26 July 2006 (26.07.2006)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference FIS920030347PCT	
International application No. PCT/US2004/001721	International filing date (day/month/year) 22 January 2004 (22.01.2004)

1. The following indications appeared on record concerning:

☒ the applicant ☐ the inventor ☐ the agent ☐ the common representative

Name and Address

INTERNATIONAL BUSINESS MACHINES
CORPORATION
Hudson Valley Research Park
2070 Route 52
Hopewell Junction, NY 12533-6531
United States of America

State of Nationality

US

State of Residence

US

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address

INTERNATIONAL BUSINESS MACHINES
CORPORATION
New Orchard Road
Armonk, New York 10504
United States of America

State of Nationality

US

State of Residence

US

Telephone No.

Facsimile No.

Teleprinter No.

EPO-DG

01.08.2006

TEAM 14

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office ☒ the designated Offices concerned
☒ the International Searching Authority ☐ the elected Offices concerned
☐ the International Preliminary Examining Authority ☐ other:

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. (41-22) 338.71.30</p>	<p>Authorized officer</p> <p>SUAREZ Javier (Fax 338-71-30)</p> <p>Telephone No. (41-22) 338 8058</p>
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Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

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Directorate General 1

Direction générale 1

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EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date

05.07.06

Reference	Application No./Patent No. 04704467.2 - PCT/US2004001721
Applicant/Proprietor International Business Machines Corporation	

Entry into the European phase before the European Patent Office

These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.

1. The above-mentioned international patent application has been given European application No. **04704467.2**.
2. Applicants **without** a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.

3. Applicants **with** a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO.
However, in view of the complexity of the procedure it is recommended that they do so.
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.



5. To enter the European phase before the EPO, the following acts must be performed.
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)

5.1 If the EPO is acting as **designated** or **elected** Office (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:

- a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and R. 107(1)(a) EPC).
If the translation is not filed in time, the international application is deemed withdrawn before the EPO (R. 108(1) EPC).
This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (R. 108(3) EPC).
- b) Pay the national basic fee (EUR 170,00) and, where a supplementary European search report has to be drawn up, the search fee (EUR 720,00 ; R. 107(1)(c) and (e) EPC).
- c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee (EUR 80,00) for each contracting state designated (R. 107(1)(d) EPC).
- d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination **and** pay the examination fee (EUR 1490,00 ; R. 107(1)(f) EPC).
- e) Pay the third-year renewal fee (EUR 400,00) if it falls due before expiry of the 31-month time limit (R. 107(1)(g) EPC).

If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (R. 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (R. 108(3) EPC). For the renewal fee under (e) above, the grace period is six months from the fee's due date (Art. 86(2) EPC).

For an overview of search and examination fees, see OJ EPO 11/2005, 577 and 03/2006.

- 5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (R. 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (R. 110(2) EPC).
6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.

All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicant's European representative.



7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent
Guide for applicants - Part 2
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

Receiving section



International Business Machines Corporation
Hudson Valley Research Park
2070 Route 52
Hopewell Junction, NY 12533-6531

Date: 20 APRIL 2006

FACSIMILE TRANSMITTAL LEGEND

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

FACSIMILE COVER SHEET

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NUMBER OF PAGES TO FOLLOW 1

SEND TO: EPO FAX NO: 011-670-340-30-16 RE: 04704467.2	FROM: NAME: Robert Faber DEPT/BLDG/ZIP: 321-482 LOCATION: East Fishkill, New York PHONE #: 845-894-4633 RETURN TO SENDER (YES OR NO):
EAST FISHKILL TELECOPIER NUMBERS	
OUTSIDE NUMBER: (845) 892-6363	TIE LINE: 8-532-6363

MESSAGE:

TO WHOM IT MAY CONCERN -

IBM RECEIVED THE ATTACHED DOCUMENT FROM THE
EPO. WE CANNOT IDENTIFY WHAT APPLICATION THIS DOCUMENT
PERTAINS TO. PLEASE PROVIDE US WITH A U.S. APPLICATION
NUMBER OR AN ATTORNEY REFERENCE NUMBER. YOU MAY
FAX THIS INFORMATION TO 845-892-6363 OR E-MAIL
IT TO RFABER@US.IBM.COM. THANK YOU.

SINCERELY,ROBERT FABER



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Date

12.04.06

Reference	Application No./Patent No. 04704467.2 -
Applicant/Proprietor International Business Machines Corporation	

The international search report, or the declaration under Article 17(2)(a) PCT, has been published under Article 21(3) and Rule 48 PCT on 06.04.06. That publication takes the place of the mention of publication of the European search report (Art. 157(1) EPC).

The request for examination must be filed within six months from the above date (Art. 94(2) in conjunction with Art. 157(1) EPC). It is not deemed to have been filed until the examination fee has been paid. However, under Article 22 or 39 PCT in conjunction with Article 150(2) and Rule 107(1) EPC, the time limit for filing it does not expire before the end of the 31st month from the filing date (or earliest priority date). Payment of the designation fees must also be made within the above-mentioned period (R. 107(1) EPC). The same applies also for the extension fees.

If the request for examination is not filed in due time, and at least one designation fee is not paid, the European patent application is deemed to be withdrawn (Art. 94(3), 79(3) and R. 108(1) EPC).

For more details see the Guide for applicants Part 2: PCT proceedings before the EPO-"Euro-PCT".

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*** TOTAL PAGE.02 ***



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